

AMENDED IN ASSEMBLY MAY 27, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 359

Introduced by Assembly Member Huffman

February 14, 2011

An act to amend Sections 10752, 10753.2, 10753.5, and 10753.7 of the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

AB 359, as amended, Huffman. Groundwater management plans.

(1) Existing law authorizes specified local agencies that provide water service to adopt and implement a groundwater management plan. Existing law requires a local agency that elects to develop a groundwater management plan to hold a hearing prior to adopting a resolution of intention to draft a plan and, after the plan is prepared, to hold a 2nd hearing to determine whether to adopt the plan. Existing law requires the local agency to publish a specified notice before each of these hearings.

This bill would require the local agency to provide a copy of a resolution of intention to the Department of Water Resources within 30 days of the date of adoption. The bill would *authorize an interested person or entity to request, and* require the local agency, upon written request, to provide, a copy of the proposed groundwater management plan to ~~an~~ *that* interested person *or entity*. The bill would require the local agency to provide each of those interested persons *and entities* with a specified notice at least 30 days prior to the commencement of the 2nd hearing to determine whether to adopt the plan. The bill would

require the department to post on its Internet Web site the information the department possesses regarding the local agencies that have jurisdiction to develop groundwater management plans.

(2) Existing law requires a local agency seeking specified state funds for certain groundwater projects to include in a groundwater management plan various components, including components relating to the monitoring and management of groundwater levels within the groundwater basin.

This bill would specify that the groundwater projects to which these requirements apply include projects that are part of an integrated regional water management program or plan. The bill, commencing January 1, 2013, would additionally require a map identifying the recharge areas, as defined, for the groundwater basin to be included in a groundwater management plan for purposes of the state funding requirements. *The bill would require the local agency to provide the map of the recharge areas to local planning agencies and notify organizations representing landowners within the recharge areas.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 10752 of the Water Code is amended to
2 read:
3 10752. Unless the context otherwise requires, the following
4 definitions govern the construction of this part:
5 (a) “Groundwater” means all water beneath the surface of the
6 earth within the zone below the water table in which the soil is
7 completely saturated with water, but does not include water that
8 flows in known and definite channels.
9 (b) “Groundwater basin” means any basin or subbasin identified
10 in the department’s Bulletin No. 118, dated September 1975, and
11 any amendments to that bulletin, but does not include a basin in
12 which the average well yield, excluding domestic wells that supply
13 water to a single-unit dwelling, is less than 100 gallons per minute.
14 (c) “Groundwater extraction facility” means a device or method
15 for the extraction of groundwater within a groundwater basin.
16 (d) “Groundwater management plan” or “plan” means a
17 document that describes the activities intended to be included in
18 a groundwater management program.

1 (e) “Groundwater management program” or “program” means
2 a coordinated and ongoing activity undertaken for the benefit of
3 a groundwater basin, or a portion of a groundwater basin, pursuant
4 to a groundwater management plan adopted pursuant to this part.

5 (f) “Groundwater recharge” means the augmentation of
6 groundwater, by natural or artificial means, with surface water or
7 recycled water.

8 (g) “Local agency” means a local public agency that provides
9 water service to all or a portion of its service area, and includes a
10 joint powers authority formed by local public agencies that provide
11 water service.

12 (h) “Recharge area” means the area that supplies water to an
13 aquifer in a groundwater basin and includes multiple wellhead
14 protection areas.

15 (i) “Watermaster” means a watermaster appointed by a court
16 or pursuant to other provisions of law.

17 (j) “Wellhead protection area” means the surface and subsurface
18 area surrounding a water well or well field that supplies a public
19 water system through which contaminants are reasonably likely
20 to migrate toward the water well or well field.

21 SEC. 2. Section 10753.2 of the Water Code is amended to read:

22 10753.2. (a) Prior to adopting a resolution of intention to draft
23 a groundwater management plan, a local agency shall hold a
24 hearing, after publication of notice pursuant to Section 6066 of
25 the Government Code, on whether or not to adopt a resolution of
26 intention to draft a groundwater management plan pursuant to this
27 part for the purposes of implementing the plan and establishing a
28 groundwater management program.

29 (b) At the conclusion of the hearing, the local agency may draft
30 a resolution of intention to adopt a groundwater management plan
31 pursuant to this part for the purposes of implementing the plan and
32 establishing a groundwater management program.

33 (c) The local agency shall provide to the department a copy of
34 a resolution of intention adopted pursuant to this section within
35 30 days of the date of adoption. The local agency shall also provide
36 to the department contact information for the person in charge of
37 drafting the groundwater management plan.

38 SEC. 3. Section 10753.5 of the Water Code is amended to read:

39 10753.5. (a) After a groundwater management plan is prepared,
40 the local agency shall hold a second hearing to determine whether

1 to adopt the plan. Notice of the hearing shall be given pursuant to
2 Section 6066 of the Government Code. The notice shall include a
3 summary of the plan and shall state that copies of the plan may be
4 obtained for the cost of reproduction at the office of the local
5 agency.

6 (b) At the second hearing, the local agency shall consider
7 protests to the adoption of the plan. At any time prior to the
8 conclusion of the second hearing, any landowner within the local
9 agency may file a written protest or withdraw a protest previously
10 filed.

11 (c) (1) *Any person or entity may request, in writing, a local*
12 *agency preparing a groundwater management plan to place that*
13 *person or entity on a list of persons interested in receiving notices*
14 *regarding plan preparation and copies of draft documents.* Upon
15 receipt of a written request prior to the commencement of the
16 second hearing, the local agency shall provide ~~an interested person~~
17 *any interested person or entity* with a copy of the proposed
18 groundwater management plan and maps identifying recharge
19 areas that are prepared pursuant to this part. These documents shall
20 be provided for the cost of reproduction incurred by the local
21 agency. If a document is requested in electronic format, the cost
22 of reproduction shall be limited to the direct cost of producing a
23 copy in electronic format.

24 (2) At least 30 days prior to the commencement of the second
25 hearing, the local agency shall provide notice of the date, time,
26 and place of the second hearing, either by mail or electronically,
27 to each interested person ~~who~~ *and entity that* requests information
28 pursuant to paragraph (1) prior to that date.

29 (3) The failure to meet the requirements of this subdivision does
30 not make the adoption of a groundwater management plan invalid.

31 (d) The department shall post on its Internet Web site, consistent
32 with Section 10930, the information the department possesses
33 regarding the local agencies that have jurisdiction to develop
34 groundwater management plans and maps pursuant to this part,
35 including information it has collected pursuant to Sections 10753.2
36 and 10928.

37 SEC. 4. Section 10753.7 of the Water Code is amended to read:

38 10753.7. (a) For the purposes of qualifying as a groundwater
39 management plan under this section, a plan shall contain the
40 components that are set forth in this section. In addition to the

requirements of a specific funding program, a local agency seeking state funds administered by the department for groundwater projects or groundwater quality projects, including projects that are part of an integrated regional water management program or plan, and excluding programs that are funded under Part 2.78 (commencing with Section 10795), shall do all of the following:

(1) Prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin that is subject to the plan. The plan shall include components relating to the monitoring and management of groundwater levels within the groundwater basin, groundwater quality degradation, inelastic land surface subsidence, changes in surface flow and surface water quality that directly affect groundwater levels or quality or are caused by groundwater pumping in the basin, and a description of how recharge areas identified in the plan substantially contribute to the replenishment of the groundwater basin.

(2) For purposes of implementing paragraph (1), the local agency shall prepare a plan to involve other agencies that enables the local agency to work cooperatively with other public entities whose service area or boundary overlies the groundwater basin.

(3) For purposes of implementing paragraph (1), the local agency shall prepare a map that details the area of the groundwater basin, as defined in the department's Bulletin No. 118, and the area of the local agency, that will be subject to the plan, as well as the boundaries of other local agencies that overlie the basin in which the agency is developing a groundwater management plan.

(4) (A) Commencing January 1, 2013, for purposes of implementing paragraph (1), the groundwater management plan shall include a map identifying the recharge areas for the groundwater basin.

(B) The local agency shall provide the map required pursuant to subparagraph (A) to the appropriate local planning agencies after adoption of the groundwater management plan.

(C) *Upon submitting a map pursuant to subparagraph (B), the local agency shall notify organizations representing landowners within the recharge areas. At a minimum, the notice shall be provided to the following organizations: (i) the California Farm Bureau Federation, (ii) the Western Growers Association, (iii) the*

1 *California Cattlemen's Association, and (iv) the California*
2 *Chamber of Commerce.*

3 ~~(C)~~

4 (D) For purposes of this paragraph, "map identifying the
5 recharge areas" means a map that identifies, or maps that identify,
6 the current recharge areas that substantially contribute to the
7 replenishment of the groundwater basin.

8 (5) The local agency shall adopt monitoring protocols that are
9 designed to detect changes in groundwater levels, groundwater
10 quality, inelastic surface subsidence for basins for which
11 subsidence has been identified as a potential problem, and flow
12 and quality of surface water that directly affect groundwater levels
13 or quality or are caused by groundwater pumping in the basin. The
14 monitoring protocols shall be designed to generate information
15 that promotes efficient and effective groundwater management.

16 (6) Local agencies that are located in areas outside the
17 groundwater basins delineated on the latest edition of the
18 department's groundwater basin and subbasin map shall prepare
19 groundwater management plans incorporating the components in
20 this subdivision, and shall use geologic and hydrologic principles
21 appropriate to those areas.

22 (b) (1) (A) A local agency may receive state funds administered
23 by the department for groundwater projects or for other projects
24 that directly affect groundwater levels or quality if it prepares and
25 implements, participates in, or consents to be subject to, a
26 groundwater management plan, a basinwide management plan, or
27 other integrated regional water management program or plan that
28 meets, or is in the process of meeting, the requirements of
29 subdivision (a). A local agency with an existing groundwater
30 management plan that meets the requirements of subdivision (a),
31 or a local agency that completes an update of its plan to meet the
32 requirements of subdivision (a) within one year of applying for
33 funds, shall be given priority consideration for state funds
34 administered by the department over local agencies that are in the
35 process of developing a groundwater management plan. The
36 department shall withhold funds from the project until the update
37 of the groundwater management plan is complete.

38 (B) Notwithstanding subparagraph (A), a local agency that
39 manages groundwater under any other provision of existing law
40 that meets the requirements of subdivision (a), or that completes

1 an update of its plan to meet the requirements of subdivision (a)
2 within one year of applying for funding, shall be eligible for
3 funding administered by the department. The department shall
4 withhold funds from a project until the update of the groundwater
5 management plan is complete.

6 (C) Notwithstanding subparagraph (A), a local agency that
7 conforms to the requirements of an adjudication of water rights in
8 the groundwater basin is in compliance with subdivision (a). For
9 purposes of this subparagraph, an “adjudication” includes an
10 adjudication under Section 2101, an administrative adjudication,
11 and an adjudication in state or federal court.

12 (D) Subparagraphs (A) and (B) do not apply to proposals for
13 funding under Part 2.78 (commencing with Section 10795), or to
14 funds authorized or appropriated prior to September 1, 2002.

15 (E) A local agency may request state funds to map groundwater
16 recharge areas pursuant to paragraph (4) of subdivision (a) to the
17 extent that the request for state funds is consistent with eligibility
18 requirements that are applicable to the use of the requested funds.

19 (2) Upon the adoption of a groundwater management plan in
20 accordance with this part, the local agency shall submit a copy of
21 the plan to the department, in an electronic format, if practicable,
22 approved by the department. The department shall make available
23 to the public copies of the plan received pursuant to this part.